

## **REMARKS/ARGUMENTS**

The non-final office action of October 30, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 16, 18, and 27 have been amended. Claim 38 has been added. Claim 15 has been canceled without prejudice or disclaimer. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-14 and 16-38 remain in the application.

### ***Rejections Under 35 U.S.C. § 112, second paragraph***

Claim 27 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicants thank the Examiner for noting the minor typographical error and have amended claim 27 to properly claim dependency from independent claim 26. Applicants respectfully request withdrawal of the present rejection.

### ***Rejections Under 35 U.S.C. § 102***

Claims 1-6, 8-15, 18-22, and 24-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,352,479 to Sparks, II (hereinafter referred to as “*Sparks*”). Applicants respectfully traverse this rejection.

Applicants’ claim 26 recites, among other features, “accessing a database maintaining data associated with a collaborative filtering method; applying the collaborative filtering method; and connecting the first and second players to an online game based at least in part on the collaborative filtering method.” The Action alleges that *Sparks* describes these features of Applicants’ independent claim 26 and specifically cites Fig. 11A and 11B, column 4, lines 18-25, and column 6, lines 23-33 for support.

The cited portions of *Sparks* fail to teach or suggest each and every feature of Applicants’ claim 26. Column 4, lines 18-25 of *Sparks*, as relied upon by the Action, describes an Internet interface 48 communicating with a WWW server 12. web site users are validated and/or registered and Internet requests for routing an/or activating web site modules that can fulfill the

request are interpreted. (*Sparks*, col. 4, ll. 18-25). This cited portion of *Sparks* fails to teach or suggest anything with respect to a collaborative filtering method. In addition, column 6, lines 23-33 of *Sparks* describes a matching method based on a user's skill level compared with the skill levels of others, the expressed preferences of the user, and the expressed preferences of the other users playing each game. In contrast, collaborative filtering as described in Applicants' original written description "is the process of aiding a person in the selection of an item based upon the evaluation made by others and/or the person and others." (Original written description, p. 19, para. [57]). *Sparks* is devoid of any teaching or suggestion of an evaluation made by others and/or the person and others. At best, *Sparks* allows a pre-configured profile of a user with skill level options and weapon's choice (i.e., preferences) options dictate matching a user to a game. As such, because *Sparks* fails to teach or suggest each and every feature of Applicants' claim 26, withdrawal of the rejection is respectfully requested.

Claims 27-38, which ultimately depend from claim 26, are patentably distinct from *Sparks* for at least the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein. For example, Applicants' new claim 38 recites, among other features, "wherein the collaborative filtering method is based upon an evaluation of the first player made by others following a previous online game." *Sparks* fails to teach or suggest anything with respect to a post game evaluation by others.

Amended independent claims 1 and 18 include similar features as described above with respect to Applicants' independent claim 26. Therefore, for at least similar reasons as described above with respect to claim 26, Applicants' claims 1 and 18 are patentably distinct from *Sparks*.

Furthermore, the Action contends that *Sparks* describes Applicants' claim 1 feature of, "connecting the requesting user to an online game based at least in part on the determined play style parameter." (Action, p. 3). However, *Sparks* merely discloses a personal profile, which includes a user's game name, real name, preferred weapons, miscellaneous information, etc. In contrast, the play style recited in Applicants' claim 1 is an identifier that represents a user's style of play with parameters that include, for example, competitiveness, honesty/trustworthy, aggressiveness, trash talking, and profanity. As such, for at least this additional reason, withdrawal of the rejections of claims 1 and 18 is respectfully requested.

Claims 2-6, 8-14, 19-22, and 24-25, which ultimately depend from claims 1 and 18, respectively, are patentably distinct from *Sparks* for at least the same reasons as their ultimate base claims and further in view of the additional advantageous features recited therein.

Claims 16 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,203,433 to Kume (hereinafter referred to as “*Kume*”).

*Kume* merely describes storing information about a plurality of users, and a game request response unit that upon receipt of a game request, places a user issuing the game request in a game queue; and a player selection processing unit that determines combinations of games among users placed in a game queue; and a client that includes a game request unit that outputs the game request to the server. (*Kume*, col. 2, ll. 15-26). In contrast, Applicants’ claim 16 recitation of a play style parameter of a requesting user is absent in *Kume*. The play style recited in Applicants’ claim 16 is an identifier that represents a user’s style of play with parameters that include, for example, competitiveness, honesty/trustworthy, aggressiveness, trash talking, and profanity.

Moreover, amended claim 16 further recites, among other features, “connecting the requesting user to an online game based at least in part on a collaborative filtering method.” This feature is absent in *Kume*. As such, withdrawal of the present rejection is respectfully requested.

### ***Rejections Under 35 U.S.C. § 103***

Claims 7 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sparks* in view of U.S. Published Application No. 2002-0083179 to Shaw (hereinafter referred to as “*Shaw*”). Applicants respectfully traverse this rejection.

Even assuming, without admitting, that the combination of *Sparks* and *Shaw* is proper, *Shaw* fails to remedy the deficiencies of *Sparks* identified with respect to amended claims 1 and 18 from which claims 7 and 23 depend, respectively. Namely, *Shaw* does not teach or suggest connecting the requesting user to an online game based at least in part on a collaborative filtering method. Therefore, claims 7 and 23 are patentably distinct from the combination of *Sparks* and *Shaw*.

**CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. If any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

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